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LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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**URGENT**

**By Fax (3918 4799)**

11 May 2017

Mr LEE Tin-yan  
Senior Assistant Solicitor General (Arbitration)  
Legal Policy Division  
Department of Justice  
5<sup>th</sup> Floor, East Wing, Justice Place  
18 Lower Albert Road, Central  
Hong Kong

Dear Mr LEE,

**Arbitration and Mediation Legislation  
(Third Party Funding) (Amendment) Bill 2016**

I refer to the draft Committee stage amendment relating to new section 98NA proposed by the Administration and would like to seek the following information or clarification with a view to advising Members on its legal and drafting aspects.

According to the new section 98NA(1), the new Part 10A is not applicable to the provision of arbitration funding by a lawyer who, in the course of the lawyer's legal practice, acts for any party in relation to the arbitration. The new section 98NA(2) provides that if a lawyer works for, or is a member of, a legal practice (however described or structured), the references in section 98NA(1) to "lawyer" include the legal practice and any other lawyer who works for, or is a member of, the legal practice.

It is noted that the term "lawyer" is defined in the new section 98NA(3) to include both solicitors and barristers. However, the terms "member" and "legal practice" are not defined. Please explain to Members the

meaning of the above terms for the purposes of the new section 98NA and consider defining them in the Bill. Please also clarify whether a barrister of a set of barristers' chambers may be considered as "a member of the legal practice" under the new section 98NA(2).

As the next meeting of the Bills Committee will be held on 16 May 2017, please let us have your reply in both Chinese and English by 15 May 2017.

Yours sincerely,



(Evelyn LEE)  
Assistant Legal Adviser

c.c. Department of Justice  
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